

***MARINE CONTRACTORS LICENSING BOARD***

***c/o Maryland Department of the Environment***

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**MARINE CONTRACTORS LICENSING BOARD**

**MEETING MINUTES – August 15, 2016**

**Location:** DNR Critical Area Commission Meeting Room, Annapolis, MD

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| **BOARD MEMBERS PRESENT** | **OTHERS PRESENT** |
| Milton Rehbein, Chairman | Thomas Blair, Board Administrator |
| Jordan Loran, DNR Representative | Matthew Standeven, Board Council |
| Chris McCabe, Vice-Chairman |  |
| Andrew May MDE Representative-Designee |  |
| Douglas Suess, At Large Member |  |

**CALL TO ORDER**

Board Chairman, Milton Rehbein called the meeting to order at 10:05 a.m. at DNR Critical Area Commission Meeting Room in Annapolis, MD. Five Board members (including MDE designee, Andrew May), Board Council and the Board’s Administrator were present.

**AGENDA REVIEW**

The Board reviewed the agenda for the meeting which included review of minutes from the May 16, 2016, meeting, mailing of the manual, review of testing dates, applications received to date, Board budget, review of incomplete license applications, and Board vacancy search, MDE legislative proposals and status of draft regulations.

**REVIEW OF PRIOR MEETING MINUTES/NOTES.**

Board Members reviewed the draft minutes of the May 16, 2016 meeting; the meeting minutes were voted on and approved by the Board.

**OLD BUSINESS**

**Discussion of MES Contract Increase**

There was a brief discussion concerning the increase in the MES contract that was approved by MDE without consultation with the Board. Board members voiced concern that although MDE administers funds for the Board; the Board funding is independent of any State funding. Board members agreed that going forward the Board should be consulted prior to any decisions on increase in costs for Board operations, and should have approval authority of cost increases.

**Manual Mailing/Test locations**

Mr. Blair updated the Board on mailing of the study manual to all approved applicants. He stated the manual was sent out mid July with request for fee payment. Fee payments are beginning to come from the applicants. Mr. Blair also noted that prior to mailing the manuals the Contract Admin section of the manual was changed to reflect changes in the Maryland “Door to Door” law.

Mr. Blair stated that six test dates have been arraigned, three at MDE building in Baltimore and 3 at other locations in Solomons, Centreville and Salisbury. The Board discussed who would proctor the tests and the procedures for testing as well as accommodating people with disabilities. Mr. Blair stated he would be proctoring the tests. Mr. Standeven volunteered to help in proctoring the tests. The Board requested that the basic protocol for applicants to test should be that they need to show a photo Id, sign in, have all fees paid prior to the test, use only paper copies of the manual for reference during the test.

**NEW BUSINESS**

**License Document Format**

The Board briefly discussed the format of the license to be issued. Mr. Blair noted that there are certain items that need to be included on all State issued licenses. The Board members would like a Board logo on the license document and have the license signed by the Board chairman since it is technically issued by the Board and not the State. Mr. Standeven will research what the format of the license can be with regard to Title 17 and other state requirements.

**Discussion of Fiscal 2018 Board Budget**

Mr. Blair stated that Brenda Raivel had sent a draft Board budget to him for the State fiscal year starting July 2017. The Board discussed various line items of the budget and any additional items that may need to be budgeted due to licensure of the contractors. The Board discussed how cases for revocation of licenses will be handled in light of the NC Dental Supreme Court case. There was a discussion of how enforcement will be handled. Mr. Standeven recommended disputes should be handled by the Office of Administrative Hearings (OAH). Mr. Standeven will research the Board delegating hearing authority to the OAH and the costs incurred by the Board using OAH and report back at a later date.

A motion was made to approve the FY18 budget with some minor increased costs for administrative fuctions and office materials. The budget may be amended in future years based on costs of license enforcement.

**Southern Maryland Contractor Position and Replacement of DNR appointee**

Mr. Standeven stated that two contractor resumes were submitted to the Secretary of the Environment in early August for review. MDE staff made one recommendation to the Secretary, but it is up the Secretary’s office to make the final recommendation to the Governor. There is no response from the Secretary’s office on the appointment yet.

Mr. Loran stated that he will be retiring in July 2017 and he has notified his superiors of the need to appoint a new person to fill the DNR Board position. He will report back to the Board later on a proposed replacement.

**Alternatives to Liability Insurance Requirements**

A request was recently made by a registered marine contractor who is a Mennonite to allow him to use an alternative method of insurance and be exempted from the liability insurance as required by Title 17. Mr. Standeven stated that the law is clear that only commercial liability insurance is allowed for a contractor to be licensed. A letter to the contractor will be sent advising him that he must have the proper insurance for him to apply for licensure.

**Draft Marine Contractor Regulations**

Mr. Standeven advised the Board that draft Marine Contractors Regulations were being reviewed by MDE staff and once the review was complete, would be presented to the Board. He noted that the timeline for promulgation should allow the regs to be finalized prior to licenses being issued in December. Mr. May stated that MDE would like to hold a meeting with the marine contractors prior to publishing a draft of the regulations in the Maryland Register. MDE is projecting holding the meeting in September at central location, possibly in Annapolis or at MDE in early evening.

**MDE Legislative Proposal**

Denise Keehner, MDE Wetlands Administrator has proposed two changes to Title 17 to address the Board’s functioning: 1. To allow Board members to identify alternates to attend when they cannot attend, this would assure a quorum at meetings. 2. To allow the Secretary of the Environment to make appointments to the Board between legislative sessions. There was a question whether the interim Board appointment recommendation was for all members or just MDE appointees. Several of the Board members were concerned that if changes to Title 17 were proposed that the entire law would be open for changes by the legislature and could jeopardize other sections of the law.

**Discussion of Specific License Applications**

The Meeting was closed at 12:21 pm pursuant to 3-305(b)(2) and (11) of the General Provisions Article, Annotated Code of Maryland, to discuss personal information and evaluate the specific qualifications of applicants for Maryland Marine Contractors licenses.

The Board opened the meeting at 12:54pm. The October meeting date was changed to October 13, 2016 due to the Columbus Day Holiday on the original date.

**ADJOURNMENT**

Mr Rehbein requested adjournment of the meeting at 1:00 pm. A motion to adjourn by Board members was made and the motion passed.